IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 242 OF 2005

IN

SUIT NO. 4318 OF 2001

IndBank Merchant Banking Services Ltd.. Plaintiff

versus

Hico Products Ltd. & Anr. .. Defendants

And

ICICI Limited .. Respondents

...

Ms.Mohana Nair for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 11th February 2005.

P.C.:

1. By this motion, the plaintiff seeks modification of an order passed by this Court dated 9th January 2004. By the said order of 9th January, the Court directed that the sale proceeds be invested by the receiver in the State Bank of India, pending decision of the suit. The Court recorded reasons as

to why it was not permitting the payment of the sale proceeds to any of the parties but was directing the investments. By this motion, the plaintiff seeks an order for payment of the money to it, subject to furnishing of a bank guarantee. This amounts to virtual review of the order of this Court dated 9th January 2004. Such review is not permissible except by means of a review application.

2. The plaintiff is at liberty to take out a review proceedings subject to the law of limitation, if so advised. Motion is dismissed summarily.

D.G. KARNIK, J